

Mid West Planning Ltd
Phil Plant
Offley House
18 Church Street
Shifnal
TF11 9AA

Applicant:
Calleva Community Energy Ltd

PART I - DETAILS OF APPLICATION

Date of Application

5th June 2023

Application No.

23/01361/FULMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

The installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme.

Land North Of Spring Gardens, Andover Drove, Wash Water, Newbury

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council GRANTS planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- Location Plan, drawing number CALLEVA PL-01 Rev 6 received on 16 February 2024.
- Site Plan, drawing number CALLEVA PL-02 Rev 10 received on 19 March 2024.
- Landscaping Plan, drawing number CALLEVA PL-03 Rev 7 received on 8 February 2024.
- Proposed PV Panel Array and Fence Elevations Plan, drawing number CALLEVA PL-04 Rev 0 received on 5 June 2023.
- Substation Plans and Elevations, drawing number CALLEVA PL-05 Rev 0 received on 5 June 2023.
- Double Leaf Mesh Gates Plan, drawing number 54DLB204G Rev A received on 8 February 2024.
- Entrance Details and Visibility Splay Plan, drawing number 101438/CALLEVA/004/PL06 Rev 2 received on 8 February 2024.

- Temporary Construction Compound Plan, drawing number 101438/CALLEVA/004/PL05
Rev 1 received on 8 February 2024.

Reason: For the avoidance of doubt and in the interest of proper planning

3. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the materials need to be agreed prior to construction.

4. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:
 - a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
 - b) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
 - c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology;
 - d) Include run-off calculations based on current rainfall data models (FEH 2013 preferred), discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
 - e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
 - f) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
 - g) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

- h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- i) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- j) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e. stream, ditch etc);

The installation of the solar panels shall not commence until the drainage measures have been completed in accordance with the approved details. Thereafter, the development shall be managed and maintained in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Supplementary Planning Document (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

- 5. No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate the recommendations set out in the Ecology Survey produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024 and include:
 - a) Detailed plans with planting a retention schedules, noting species, plant sizes and proposed numbers/densities.
 - b) A programme or work including an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

All landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first operation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within the lifetime of the development five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Comprehensive landscaping is essential to ensure the development is appropriately assimilated into the environment, and detailed specifications and a programme of works are necessary to ensure proper establishment and maintenance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD. A pre-condition is required because

landscaping is essential to landscape and visual mitigation and so a clear strategy must be agreed before the development is built out.

6. No development shall take place until a Landscape Maintenance and Management Strategy has been submitted to and approved in writing by the Local Planning Authority. Such a strategy shall detail the maintenance and management of the landscape during the lifetime of the development and incorporate the recommendations set out in the Ecology Survey produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024. Thereafter the development shall be carried out and operated in accordance with the approved details.

Reason: To ensure that the landscaping remains of a sound quality throughout the lifetime of the solar farm, to the benefit of the character of the area and biodiversity. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026).

7. The development hereby permitted shall not commence until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths) to be provided as part of the development.

Reason: Hard landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

8. No development shall commence until a Noise Assessment and a scheme for protecting existing dwellings in the vicinity from noise generated by the solar farm/inverter/substation has been submitted to and approved by the Local Planning Authority. No electricity shall be generated by the development hereby permitted until the noise mitigation measures identified in the approved Noise Assessment have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter for the lifetime of the development.

Reason: To protect the amenity of nearby residents from unacceptable noise generated by the solar farm. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as any mitigation measures may need to be implemented during construction of the development.

9. No development shall commence until a scheme of works that sets out the measures that will be taken to minimise dust arising from the development has been submitted to and approved in writing by the Local Planning Authority. The approved dust mitigation measures identified in the scheme shall be carried out and maintained during construction and until construction is completed.

Reason: To protect the amenity of neighbouring properties during the construction period. This condition is imposed in accordance with the National Planning Policy

Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as the dust mitigation measures will need to be implemented during construction.

10. No site/vegetation clearance or development shall take place until a method statement produced by an experienced and qualified ecologist detailing the reasonable avoidance measures for Great Crested Newt to be undertaken during site clearance and construction has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved method statement.

Reason: To prevent harm to a protected species (Great Crested Newt) during construction and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to GCN, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

11. No site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged, and the nest is no longer in use.

Reason: To prevent harm to nesting birds from vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

12. The first development operation shall be the construction of the site access onto Andover Drove in accordance with the approved details. No further development shall take place until the access has been completed in accordance with the approved details, and the visibility splays shown on the Entrance Details and Visibility Splay Plan, drawing number 101438/CALLEVA/004/PL06 Rev 2 received on 8 February 2024, have been provided at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-condition is necessary because safe access must be maintained from the outset of construction.

13. No electricity shall be generated by the development hereby permitted until 14 days prior notice has been submitted to the Local Planning Authority in writing. The development hereby permitted shall be removed in its entirety and the land restored to its former condition within 30 years and six months of the date that electricity was first generated by the development, or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. The land shall be restored to its former condition to enable it to revert to agricultural use in accordance with a scheme of decommissioning work and

land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS10, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

14. As part of the decommissioning process required by Condition 13, all operational development in, on, over or under the land enclosed by the red line on the Location Plan associated with the development hereby permitted shall be completely removed from the application site within 30 years and six months of the date that electricity was first generated by the development, or within six months of development failing to generate electricity for 12 consecutive months, whichever occurs first.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS10, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026).

15. No demolition or construction works including works of preparation prior to building operations, shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

16. All tree protective fencing and ground protection shall be erected and installed in accordance with the Arboricultural Impact Assessment produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024. The protective fencing shall be implemented and retained intact for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas, there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

17. The development shall be carried out in accordance with the approved Construction Traffic Management Plan Revision C dated February 2024 and Temporary Construction Compound Plan, drawing number 101438/CALLEVA/004/PL05 Rev 1 received on 8 February 2024.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. No external lighting shall be installed within the application site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are appropriately designed. No external lighting shall be installed anywhere within the application site except in accordance with the above strategy.

Reason: To ensure that external lighting does not harm the character and appearance of the area, neighbouring amenity or biodiversity. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

The decision to grant planning permission has been taken having regard to the policies and proposals in the statutory development plan. This includes the West Berkshire Core Strategy 2006-2026, the Housing Site Allocations DPD 2006-2026, the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), the West Berkshire Minerals and Waste Local Plan, Saved Policy NRM6 of the South East Plan, and Neighbourhood Development Plans for Stratfield Mortimer and Compton. Regard has also been given to the National Planning Policy Framework, Planning Practice Guidance, and relevant supplementary planning documents and guidance.

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

- 1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
- 2 Protected Species
Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter
www.gov.uk/guidance/wildlife-licences

3 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, “*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*”. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

4 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

5 The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

6 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.

7 The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

8 Any temporary signing affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 503233, before any development is commenced.

9 Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

10 This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

11 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking

of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

Decision Date :- 29th May 2024

Bob Dray
Development Manager

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online via <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.